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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

EDWARD W. SCOTT,)	
)	
Plaintiff,)	
)	Civil Case No. 08-1295-PK
v.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

O R D E R

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KING, Judge:

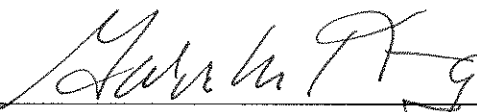
The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on June 19, 2009. Plaintiff filed timely objections to the Findings and Recommendation.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a de novo determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). This court has, therefore, given de novo review of the rulings of Magistrate Judge Papak.

This court ADOPTS the Findings and Recommendation of Magistrate Judge Papak dated June 19, 2009 in its entirety.

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel Filing of Records (#20) is denied as moot. Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (#10) is granted. Plaintiff may file an Amended Complaint by August 28, 2009 to correct the defective allegations of subject matter jurisdiction.

DATED this 27 day of July, 2009.


GARR M. KING
United States District Judge